

07-06-01
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IRINA S. ZEMEL (D.C., MD and NJ bars only)



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I hereby certify that, on the date indicated above, I deposited this paper and accompanying papers and fee with the U. S. Postal Service and that it was addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231, by "Express Mail Post Office To Addressee" service.

PHYLLIS D. CALDWELL
Name (Print)

Phyllis D Caldwell
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: NZK-128-1
Prior Application: 09/333,521
Prior Art Unit: 1648
Prior Examiner: Winkler, U.

Assistant Commissioner For Patents
Washington, DC 20231

Sir:

This is a request for filing the enclosed divisional application under 37 C.F.R. Section 1.53(b), of pending prior application Serial No. 09/333,521, filed on June 15, 1999, in the name of Yoichi FUJII et al. for NEF-ATTACHABLE PROTEIN, DNA ENCODING THE PROTEIN AND A MONOCLONAL ANTIBODY AGAINST SAID PROTEIN. The enclosed divisional application includes 19 pages of specification, 4 pages of claims, 1 page of abstract, and one (1) sheet of corrected formal drawings as filed in parent application Serial No. 09/333,521, filed June 15, 1999. Also enclosed are three (3) pages of a paper copy of the compliant Sequence Listing filed via certificate of

Y. FUJII et al.
Rule 1.53 Divisional of 09/333,521
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mailing on December 20, 1999 with a Preliminary Amendment and Compliance With
Sequence Rules 1.821-1.825 in parent application Serial No. 09/333,521. Please see the
request to use the compliant "Sequence Listing", at page 3, below. Further, enclosed is a
copy of the executed Declaration from the prior application.

This transmittal letter is submitted in triplicate.

Before calculating the filing fee, please cancel claims: 4-8

A Preliminary Amendment is enclosed.

An Information Disclosure Statement is being filed concurrently herewith.

The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS

CANCELLED BY AMENDMENT ABOVE

Basic filing fee	\$ 710.00
Total extra claims (3) x \$18.00	\$ 54.00
Independent claims over 3 = () x \$80.00	\$ <u>0</u>
TOTAL.....	<u>\$ 764.00</u>

Attached is our check in the amount of \$764.00 to cover the filing fee.

If any discrepancies in the calculated fee, the Commissioner is hereby authorized
to charge any and all fees which may be required, or credit any overpayment to our
Deposit Account No. 501032. A duplicate copy of this sheet is enclosed.

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As requested by preliminary amendment, amend the specification on page 1 by inserting prior to "BACKGROUND OF THE INVENTION" the sentence: --This is a divisional of application serial no. 09/333,521 filed June 15, 1999, which claims priority of Japanese application 185,708/1998 filed June 15, 1998.--

It is hereby requested that the compliant computer readable "Sequence Listing" filed via certificate of mailing December 20, 1999, by Preliminary Amendment and Compliance With Sequence Rules 37 C.F.R. 1.821-1.825 and already on file in parent application serial no. 09/333,521 filed June 15, 1999, be used in the above-identified divisional application. The paper copy of the "Sequence Listing" filed herewith is identical to the computer readable copy filed with the Preliminary Amendment and Compliance With Sequence Rules 37 C.F.R. 1.821-1.825, filed December 20, 1999 via certificate of mailing, in parent application serial no. 09/333,521.

Filed concurrently herewith is a Letter Regarding Sequence Listing in Parent Application Serial No. 09/333,521 Under 37 C.F.R. §1.821(e) which refers to the parent application Serial No. 09/333,521 and identifies the compliant computer readable sequence listing filed in the parent application Serial No. 09/333,521.

The parent application is assigned to Nippon Zoki Pharmaceutical Co., Ltd. by virtue of an assignment recorded at Reel 010203, Frame 0313, on August 31, 1999.

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The Power of Attorney in the prior application is to: Barry I. Hollander, Reg. No. 28,566.

The power of attorney in the original papers appears in the parent application, Serial No. 09/333,521, filed June 15, 1999.

Address all further communications and direct all telephone calls to: Barry I. Hollander, Esq., Hollander Law Firm, P.L.C., 10300 Eaton Place, Suite 305, Fairfax, Virginia 22030, Telephone: 703-383-4800; Facsimile: 703-383-4804.

The entire disclosure of the prior application no. 09/333,521, filed June 15, 1999, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry I. Hollander".

Barry I. Hollander
Registration No. 28,566

Hollander Law Firm, P.L.C.
Suite 305, 10300 Eaton Place
Fairfax, Virginia 22030
(703) 383-4800

Enclosures

Date: July 5, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Yoichi FUJII et al.

Serial No. : Rule 1.53 Divisional
Application of : Prior Group Art Unit: 1648
USSN 09/333,521

Filed : Concurrently Herewith Prior Examiner: U. Winkler

For : NEF-ATTACHABLE PROTEIN, DNA ENCODING THE
PROTEIN AND A MONOCLONAL ANTIBODY
AGAINST SAID PROTEIN

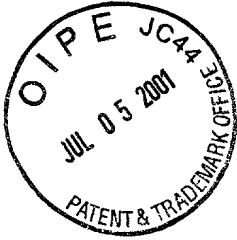
LETTER REGARDING SEQUENCE LISTING
IN PARENT APPLICATION SERIAL NO. 09/333,521
UNDER 37 C.F.R. §1.821(e)

Assistant Commissioner For Patents
Washington, DC 20231

Sir:

The sequence listing in the above-identified divisional application is identical to the corrected sequence listing filed by Preliminary Amendment and Compliance with Sequence Rules 37 C.F.R. 1.821-1.825, filed December 20, 1999 via certificate of mailing in parent application serial no. 09/333,521, filed June 15, 1999. The computer readable form of the sequence listing in parent application serial no. 09/333,521 is identified as follows:

Yoichi FUJII et al. - Rule 1.53 Divisional Application of Serial No. 09/333,521
Letter Regarding Sequence Listing in Parent Application
Serial No. 09/333,521 Under 37 C.F.R. §1.821(e)



FUJII, Yoichi, et al.
Nef-Attachable, protein, DNA Encoding The Protein
And A Monoclonal Antibody Against Said Protein
12/16/99 (Date Data Recorded)
MS DOS Patentin Version 2.1
NZK-128
USSN 09/333,521
Filed 6/15/99

Applicants request that said compliant computer readable sequence listing that is on file in said parent application no. 09/333,521 be used in the present divisional application. The sequence listing information recorded in computer readable form is identical to the written sequence listing in the divisional application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barry I. Hollander".

Barry I. Hollander
Reg. No. 28,566

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Suite 305, 10300 Eaton Place
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July 5, 2001